

**REMARKS**

Claims 1-31 are pending in the application.

Claims 1-31 have been rejected.

Claims 1, 13, 16, 24, 27 and 30 have been amended, as set forth herein.

Reconsideration of the claims, as amended, is respectfully requested.

I. **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by Han, et al. (US 5,818,903), hereinafter, "Han". The rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Office Action argues that each and every element of Applicants' claims is disclosed in Han, citing col. 7, lines 6-15, col. 8, lines 24-37, col. 8 lines 55-57, and col. 9, lines 18-32. See, Office Action, page 2. Applicant has amended independent Claims 1, 16, 27 and 30 to more particularly point out and clarify Applicants' invention. Furthermore, Applicant sets forth independent Claims 1, 16, 27 and 30 showing (as underlined) at least one unique and novel

feature that is not disclosed in Han:

1. A method for handling an unsuccessful synchronous call attempt from a calling party to a called party, said method comprising:
  - monitoring a synchronous call attempt from said calling party to said called party;
  - determining at least one communication address related to said called party;
  - dropping said synchronous call attempt to said called party;
  - receiving a message composed by the calling party; and
  - sending said message to said determined communication address.
16. A computer readable medium containing computer executable code which adapts a processor for a communication system to:
  - monitor a synchronous call attempt from said calling party to said called party;
  - determine at least one communication address related to said called party;
  - drop said synchronous call attempt to said called party;
  - receive a message composed by a calling party; and
  - send said message to said determined communication address.
27. A method for handling a synchronous call attempt from a calling party to a called party, said method comprising:
  - monitoring a synchronous call attempt from said calling party to said called party;
  - detecting an indication from said calling party that said calling party wishes to send a message;
  - determining at least one communication address related to said called party;
  - receiving a message composed by said calling party; and
  - sending said message to said determined communication address.

30. A system for handling an unsuccessful synchronous call attempt from a calling party to a called party, said system comprising:  
monitoring means for monitoring a synchronous call attempt from said calling party directed to said called party;  
detection means for determining that said synchronous call attempt from said calling party to said called party is unsuccessful;  
addressing means for determining at least one address for said called party;  
dropping means for dropping said synchronous call attempt to said called party;  
message means for receiving a message composed by said calling party;  
and  
sending means for sending said message to said address determined by said addressing means.

Applicants respectfully submit that the passages of Han that are cited in the Office Action do not disclose Applicants' claimed invention.

Accordingly, the Applicants respectfully request the Examiner withdraw the § 102(b) rejection of Claims 1-31.

## II. CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

**AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1, 13, 16, 24, 27 and 31 were amended herein as follows:

1           1. (Amended)           A method for handling an unsuccessful synchronous call attempt from  
2           a calling party to a called party, said method comprising:  
3           monitoring a synchronous call attempt from said calling party to said called party;  
4           determining at least one communication address related to said called party;  
5           dropping said synchronous call attempt to said called party;  
6           receiving a message composed by the calling party [allowing said calling party to compose  
7           a message]; and  
8           sending said message to said determined communication address.

1           13. (Amended)           The method of claim 1, wherein said receiving a message composed  
2           by a calling party [allowing said calling party to compose a message] comprises:  
3           where said at least one communication address related to the called party comprises a  
4           plurality of communication addresses, presenting said calling party with a list of messaging options  
5           based on said plurality of communication addresses;  
6           allowing the calling party to select a messaging option for use; and  
7           commencing a message compose session related to said selected messaging option and pre-  
8           filling a communication address for said message with a communication address related to said  
9           messaging option.

1           16. (Amended)       A computer readable medium containing computer executable code  
2       which adapts a processor for a communication system to:  
3           monitor a synchronous call attempt from said calling party to said called party;  
4           determine at least one communication address related to said called party;  
5           drop said synchronous call attempt to said called party;  
6           receive a message composed by a calling party [allow said calling party to compose a  
7       message]; and  
8           send said message to said determined communication address.

1           24. (Amended)       The computer readable medium of claim 16, wherein said receive a  
2       message composed by a calling party [allowing said calling party to compose a message] comprises:  
3           where said at least one communication address related to the called party comprises a  
4       plurality of communication addresses, presenting said calling party with a list of messaging options  
5       based on said plurality of communication addresses;  
6           allowing the calling party to select a messaging option for use; and  
7           commencing a message compose session related to said selected messaging option and pre-  
8       filling a communication address for said message with a communication address related to said  
9       messaging option.

1           27. (Amended)       A method for handling a synchronous call attempt from a calling party  
2   to a called party, said method comprising:  
3       monitoring a synchronous call attempt from said calling party to said called party;  
4       detecting an indication from said calling party that said calling party wishes to send a  
5   message;  
6       determining at least one communication address related to said called party;  
7       receiving a message composed by said calling party [allowing said calling party to compose  
8   a message]; and  
9       sending said message to said determined communication address.

1           30. (Amended)       A system for handling an unsuccessful synchronous call attempt from

2   a calling party to a called party, said system comprising:

3           monitoring means for monitoring a synchronous call attempt from said calling party directed  
4   to said called party;

5           detection means for determining that said synchronous call attempt from said calling party  
6   to said called party is unsuccessful;

7           addressing means for determining at least one address for said called party;

8           dropping means for dropping said synchronous call attempt to said called party;

9           message means for receiving a message composed by said calling party [allowing said calling  
10   party to compose a message for said called party]; and

11          sending means for sending said message to said address determined by said addressing  
12   means.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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